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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:) BANKRUPTCY CASE NO.: 10-71788
)
Jesus Edgar Montano,) Chapter 7
)
Debtor) ADVERSARY CASE NO.: 11-04008 WJL
)
) DEFENDANT'S MOTION FOR ASSIGNMENT
) OF RIGHTS PURSUANT TO CCP§708.510(a)
HERITAGE PACIFIC FINANCIAL, LLC, a) AND FRCP 69(a)--(Chapter 13 Trustees)
Texas Limited Liability Company)
Plaintiff,)
)
v.) Hearing time: 10.30 a.m.
) Hearing date: August 14, 2013
JESUS EDGAR MONTANO,) Hearing Place: Room 220, 1300 Clay Street,
) Oakland, California, 94612
Defendant.)
)

MOTION

On January 25, 2013, the Court entered a judgment in favor of Defendant Jesus Montano in the amount of 70, 867.31 in the above-entitled action. Heritage Pacific Financial has not made any payments on the judgments and has avoided post-judgment discovery attempts of Defendant. Pursuant to FRCP 69(a), made relevant herein by Bankr. R. 7069, and California Code of Civil Procedure §708.510(a), Judgment Creditor/Defendant Jesus Montano moves the Defendant Jesus Montano's Motion for Order of Assignment Re. Chapter 13 Trustees

1 Court for the issuance of an order for assignment of rights, accounts, accounts receivables,
2 rights to payment of money, and general intangibles owed and in favor of HERITAGE
3 FINANCIAL, LLC due from the United States Trustees administering Chapter 13 bankruptcies
4 in the bankruptcy districts of Central California, Eastern California, Northern California, South
5 California, Southern Florida, Middle Florida, Arizona, and Nevada.
6

7 The order will cover the following trustees of the United States bankruptcy courts:

8 CENTRAL DISTRICT OF CALIFORNIA

9 Amrane Cohen, 770 The City Drive South, Suite 8500, Orange, CA 92868
10 Nancy K. Curry, 700 S. Flower Street, Suite 1215, Los Angeles, CA 90017
11 Rodney A. Danielson, 3787 University Avenue, Riverside, CA 92501
12 Kathy Anderson Dockery, 700 S. Flower Street, Suite 1950, Los Angeles, CA 90017
13 Elizabeth F. Rojas, 15060 Ventura Blvd, Suite 240, Sherman Oaks, CA 91403

14 EASTERN DISTRICT OF CALIFORNIA

15 David P. Cusick, P.O. Box 1858, Sacramento, CA 95812
16 Russell D. Greer, P.O. Box 3051, Modesto, CA 95353-3051
17 Jan P. Johnson, P.O. Box 1708, Sacramento, CA 95812
18 Michael Meyer, 7550 N. Palm Avenue, Suite 204, Fresno, CA 93711

19 NORTHERN DISTRICT OF CALIFORNIA

20 Martha G. Bronitsky, P.O. Box 9077, Pleasanton, CA 94566
21 David E. Burchard, P.O. Box 8059, Foster City, CA 94404
22 Devin Derham-Burk, P.O. Box 50013, San Jose, CA 95150-0013

23 SOUTHERN DISTRICT OF CALIFORNIA

24 Thomas H. Billingslea, Jr., 530 "B" Street, Suite 1500, San Diego, CA 92101-4499
25 David L. Skelton, 525 B Street, Suite 1430, San Diego, CA 92101

26 THE DISTRICT OF ARIZONA

27 Russell A. Brown, 3838 N. Central Avenue #800, Phoenix, AZ 85012-1965
28 Dianne C. Kerns, 7320 N. La Cholla #154, Tucson, AZ 85471
Edward J. Maney, 101 North First Avenue, Suite 1775, Phoenix, AZ 85003

SOUTHERN DISTRICT OF FLORIDA

Nancy K. Neidich, P.O. Box 279806, Miramar, FL 33027-4452
Robin R. Wiener, P.O. Box 559007, Fort Lauderdale, FL 33355-9007

1 MIDDLE DISTRICT OF FLORIDA

2 Douglas W. Neway, 200 West Forsyth, Suite 1520, Jacksonville, FL 32202

3 Terry E Smith, 3046 E. College Ave, Ruskin, FL 33570

4 Jon M. Waage, P.O. Box 25001, Bradenton, FL 34206-5001

5 Laurie K. Weatherford, P.O. Box 3450, Winter Park, FL 32790

6 DISTRICT OF NEVADA

7 Kathleen A. Leavitt, 201 Las Vegas Boulevard So., Las Vegas, NV 89101

8 William A. Van Meter, 1225 Westfield Avenue, Suite 8, Reno, NV 89501

9 Rick A Yarnall, 701 Bridger Avenue, Suite 820, Las Vegas, NV 89101

10 This order will compel the assignment of all of the monies due Heritage from the
11 various U.S. Trustees named above, and that the payments otherwise due Heritage shall be paid
12 to and on behalf of Defendant, by a check, draft, money order or wire transfer, payable to the
13 order of LINCOLN LAW, attorneys for Jesus Edgar Montano in the above-entitled action, that
14 such funds be forwarded to Carl R. Gustafson, LINCOLN LAW, LLP, 1525 Contra Costa Blvd,
15 Pleasant Hill, 94523, CA until the total of the judgment in the above-entitled action be paid in
16 full herein.

17 The basis of this motion is that Heritage is being paid funds through Chapter 13 plans by
18 the United States Trustees for the Bankruptcy Courts of multiple districts. In the event that
19 Heritage receives any monies from these trustees, Montano requests those funds be assigned to
20 him until the satisfaction of the judgments.

21 This motion is based upon the Notice, the Memorandum of Points and Authorities filed
22 in connection therewith, upon all pleadings, papers and other matters on file herein, and all
23 matters which this court may take judicial notice hereof.

24 DATED: July 2, 2013

25 Respectfully Submitted,

26 /s/ Tessa Meyer Santiago

27 Tessa Meyer Santiago

28 Attorney for Defendant Jesus Montano

Defendant Jesus Montano's Motion for Order of Assignment Re. Chapter 13 Trustees